

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Keith Eugene Washington,

Civil No. 06-546 (MJD-JJG)

Plaintiff,

v.

**Jessica Symmes,
Kathy Reid,
Barb Nelson,
Keri Anderson, and
Aillijo Allidis,**

Defendants.

**REPORT
AND
RECOMMENDATION**

The above matter is before the undersigned on plaintiff Keith Washington's motion for a preliminary injunction (Doc. No. 11). Mr. Washington (Washington) is proceeding pro se. The defendants are represented by Richard L. Varco, Jr., Assistant Minnesota Attorney General. This motion is referred to this Court for a report and recommendation in accordance with 28 U.S.C. § 636 and Local Rule 72.1(c).

Washington alleges that prison staff is inhibiting his access to his legal mail to discourage his litigation of this matter. As a result, he seeks a temporary injunction that would require prison officials to provide open access to his legal mail. Because a prisoner has a constitutional right to access his or her legal documents, prison officials may violate the Constitution by improperly seizing such documents. *See Robinson v. Ridge*, 996 F.Supp. 447, 449-50 (E.D.Pa. 1997).

Even though Washington raises a serious issue, the purpose of a preliminary injunction is to protect the plaintiff from harms alleged *in the complaint* while litigation is pending. Thus a plaintiff can only obtain a preliminary injunction in connection with injuries alleged in the complaint. *Devose v. Herrington*, 42

F.3d 470, 471 (8th Cir. 1994) (per curiam). The issue Washington raises in his motion for a preliminary injunction is unrelated to the issues he raised in his complaint. Assuming for the sake of argument that the seizure of his papers is unlawful, he cannot obtain a preliminary injunction for this reason.

Being accordingly advised of all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** Washington's motion for a preliminary injunction (Doc. No. 11) be **DENIED.**

Dated this 12th day of February, 2007.

s/Jeanne J. Graham

JEANNE J. GRAHAM

United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this report and recommendation by filing and serving specific, written objections by March 2, 2007. A party may respond to the objections within ten days after service. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.